

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARTA BARBEOSCH VARELA, Individually  
and as Executrix of the Estate of William P.  
Barbeosch, deceased

13 CV 3332 (ALC)

Plaintiff,

-against-

BARNUM FINANCIAL GROUP, Peter Greco,  
and George Gerhard III

**NOTICE OF MOTION**

DOCUMENT  
ELECTRONICALLY FILED

Defendant.

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**PLEASE TAKE NOTICE** that, upon the Declaration of Marie O'Dell dated October 25, 2013, the exhibits annexed thereto, and the accompanying Memorandum of Law, Defendant Metropolitan Life Insurance Company d/b/a Barnum Financial Group s/h/a Barnum Financial Group ("MetLife") by its attorneys, Sedgwick LLP, will move this Court at a time and date designated by the Court, before the Hon. Andrew L. Carter, Jr., U.S.D.J., at the United States Courthouse, Southern District of New York, located at 40 Foley Square, Room 435 Courtroom Deputy, New York, NY 10007, for an Order pursuant to FED. R. CIV. P. 12(b)(6) dismissing plaintiff's Amended Complaint in its entirety on the grounds that it fails to state a cause of action for which relief can be granted and for such other and further relief as this Court may deem just and proper.

Dated: New York, New York  
November 1, 2013

Respectfully submitted,

s/

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*Peter Greco and George Gerhard III*

**CERTIFICATE OF SERVICE**

I, Matthew P. Mazzola, hereby certify and affirm that a true and correct copy of the attached **Notice of Motion** was served **via ECF and Regular Mail** on November 1, 2013, upon the following:

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